

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

NORMAN TESTER,

Plaintiff,

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

Case No. 12-15171

Hon. Gerald E. Rosen

Magistrate Judge R. Steven Whalen

**ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on January 13, 2014

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

On November 20, 2013, Magistrate Judge R. Steven Whalen issued a Report and Recommendation ("R & R") recommending that the Court deny Plaintiff Norman Tester's motion for summary judgment and grant the Defendant Commissioner of Social Security's motion for summary judgment. No objections have been filed to the R & R. Having reviewed the R & R, the parties' underlying cross-motions for summary judgment, and the record as a whole, the Court fully concurs in the analysis of the Magistrate Judge, and adopts the R & R in its entirety.

Accordingly,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's November 20, 2013 Report and Recommendation (docket #12) is ADOPTED as the opinion of this Court. IT IS FURTHER ORDERED, for the reasons stated in the R & R, that Plaintiff's March 29, 2013 motion for summary judgment (docket #8) is DENIED, and that Defendant's July 1, 2013 motion for summary judgment (docket #11) is GRANTED.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: January 13, 2014

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 13, 2014, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5135